

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUY TRINH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. [10-cr-00385-SI-1](#)

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

Re: 217, 218

Petitioner Huy Trinh has filed a notice of appeal of this Court's November 26, 2014 "Order Denying Motion to Vacate Under 28 U.S.C. § 2255; Denying Motion for Discovery; Denying Motion to Supplement; Denying Certificate of Appealability." The Ninth Circuit has indicated that it will not set a briefing schedule on the appeal until this Court determines whether a certificate of appealability will issue. Dkt. 218.

As set forth in the Court's November 26, 2014 order, the Court finds that this is not a case in which reasonable jurists would find this Court's assessment of the constitutional claims debatable or wrong and thus the Court DENIES a certificate of appealability. In the event the Ninth Circuit sets a briefing schedule on the appeal, petitioner may use the original record. Dkt. 217.

IT IS SO ORDERED.

Dated: March 10, 2015



SUSAN ILLSTON
United States District Judge